

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 LARRY RICHARDS,

No. C-08-1532 MMC

12 Plaintiff,

13 v. **ORDER DENYING PLAINTIFF'S
MOTIONS FOR APPOINTMENT OF
COUNSEL**14 MICHAEL J. ASTRUE, Commissioner of
Social Security,

15 Defendant

16 _____ /

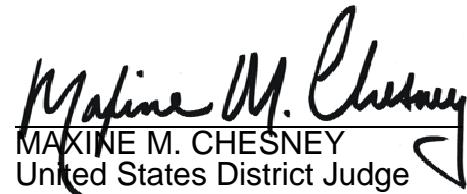
17 Before the Court is plaintiff's motion for appointment of counsel, filed April 22, 2008,
18 as well as a second motion for appointment of counsel, filed April 29, 2008.19 The Court may appoint a pro se plaintiff counsel where the plaintiff demonstrates the
20 presence of "exceptional circumstances." See Terrell v. Brewer, 935 F. 2d 1015, 1017 (9th
21 Cir. 1991). "A finding of exceptional circumstances requires an evaluation of both the
22 likelihood of success on the merits and the ability of the petitioner to articulate his claims
23 pro se in light of the complexity of the legal issues involved." Id. (internal quotation and
24 citation omitted).25 Here, by separate order filed concurrently herewith, the Court has dismissed
26 plaintiff's complaint and, in so ruling, has found plaintiff has no likelihood of success on the
27 merits. Further, although plaintiff's claims lack merit, plaintiff is able to fully articulate the

1 basis for his claims.¹

2 Accordingly, the motions for appointment of counsel are hereby DENIED.

3 **IT IS SO ORDERED.**

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5 Dated: May 5, 2008
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MAXINE M. CHESNEY
United States District Judge

27 ¹To the extent plaintiff seeks counsel in light of plaintiff's asserted inability to attend
28 court proceedings because of his impairments, plaintiff's motions for appointment of
counsel are moot in light of the dismissal of the instant action.